

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Shigeo Ozawa

U.S. Application Serial No. 09/519,999

: Confirmation No. 8766

: Group Art Unit: 1761

:

Filed: March 6, 2000

: Examiner: Madsen, Robert A.

For: AN ACCOMODATION BAG

Mail Stop Board of Patent Appeals and Interferences
US Patent and Trademark Office Commissioner for Patents
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

REQUEST FOR REHEARING UNDER 37 C.F.R. § 41.52

Sir:

This request for rehearing is in reply to the Decision rendered November 2, 2006 by the Board of Patent Appeals and Interferences. The following points are believed to have been misapprehended or overlooked by the Board.

In particular, the Board stated that "Appellant has not provided separate arguments directed to the individual claims within the separate groups."¹ Appellant respectfully disagrees.

It should be noted that arguments directed to separate patentability of at least claims 23, 24, 32 and 33 have been provided in the Appeal Brief filed July 15, 2004.² The Appeal Brief was filed pursuant to the *old* Appeal Rule, i.e., 37 CFR 1.192, which was then effective and

¹ Decision at page 3, lines 2-3 from bottom.

² Appeal Brief at page 12 line 1 through page 13 line 11, and the paragraph bridging pages 13-14.

which did not require that the claims being separately argued be described in the Summary of Invention section or argued under separate sub-headings. Therefore, Appellant respectfully submits that the separate arguments directed to claims 23, 24, 32 and 33 have been properly presented in the Appeal Brief and should be considered by the Board.

It should be further noted that the Reply Brief submitted December 20, 2004 also included separate arguments directed to claims 23, 24, 32 and 33.³ The Reply Brief was filed pursuant to the *new* Appeal Rule, i.e., 37 CFR 41.41, and presented the separately argued claims under separate sub-headings. Therefore, Appellant respectfully submits that the separate arguments directed to claims 23, 24, 32 and 33 have been properly presented in the Reply Brief and should be considered by the Board.

Reconsideration of the Decision in view of the above and the separate arguments directed to claims 23, 24, 32 and 33 is now believed appropriate and therefore respectfully requested.

³ Reply Brief at page 3 line 10 through page 4 the last line.

If for any reason this paper is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned, Applicant's attorney of record.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN & BERNER, LLP



Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 310
Alexandria, Virginia 22314
(703) 684-1111 KMB:KL/iyr
Facsimile: 703-518-5499
Date: January 3, 2007